

# OVERLOADING CHILDREN AND THE LAW

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**Following a taxi crash which left 19 school children dead earlier this year, the Gauteng Education MEC Panyaza Lesufi believes overloading children played a major role in the tragedy. He believes part of the solution lies in enforcing laws which prevent overloading more strictly. Yet, in order to achieve this, we need legislation which supports this.**

## **Legislator's role**

According to Peggie Mars from Wheel Well, an organisation promoting road safety for children, current laws do not adequately address overloading. Mars says what Regulation 231 from the National Road Traffic Act, allows is alarming.

According to the regulation, the number of children that one can transport in a vehicle is as follows:

- Any child under the age of three is not counted.
- Two children between the age of three and six are counted as one person.
- Three children between the age of six and 13 are counted as two people.

Thus in an eight seater, there can legally be more than 16 children seated within that vehicle depending on their age. A more effective first step may then be to re-look at current legislation. In the meantime, Mars recommends other ways to protect the most vulnerable members of our society. "We need to address overloading children in vehicles, with urgency, as a start.

"There must be safe, school transport with one bum per seat in vehicles transporting children. I understand the socio-economic issues involved for low-income and no income families but there is no excuse for inadequate school transport. Enable children to attend school and get there safely," says Mars.

## **The parents' role**

Parents can also play a role in bringing about stricter legislation to stop overloading children. "Read your contract, enquire if drivers get additional training, check for monitoring of vehicles and if they use car seats. The transport of children must be special transport where safety is the foremost consideration. The law does not support their safety yet, but through consumer pressure school transport will improve. Informed parents can drive the need for change."

It is often also parents themselves who play a negative role by not using car seats. "The levels of ignorance on the benefits of car seats are still unacceptably high. Addressing awareness and education on car seats must receive more attention. The cost of safe, appropriate and correctly certified car seats is an issue. There are various options to change this with the right support behind it."

For those parents who do not have the finances or even the option of better transportation, corporates should step in on their behalf. "Children in low-income and very poor communities have no voice and their parents dedicate all their time to eking out a living. Corporate companies can sponsor transport for children and use unemployed community members to drive vehicles."

The managing director of MasterDrive, Eugene Herbert, agrees it is going to take more than just stricter consequences for drivers who overload. "The legal foundation needs to be in place. This starts with acknowledging that children are even more vulnerable in crashes and have a right to a proper seat and the correct restraints.

"Additionally, parents also need to play their role in ensuring this and in pressuring transport providers to do the same. If we do not work together to bring about this change, children will continue to be the ones who suffer the consequences," says Herbert.